

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated March 5, 2009 has been received and its contents carefully reviewed.

Claim 1 is hereby amended. Claim 5 was previously canceled and claims 8, 10-12, and 14 are hereby canceled without prejudice to or disclaimer of the subject matter contained therein. No claims have been added. Accordingly, claims 1-4, 6-9, 13 and 15 are currently pending. Reconsideration of the pending claims is respectfully requested.

Claim 1 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. *Office Action* at p. 2. More specifically, the Office purports that, “[t]he claimed ‘supporting protrusion’ is construed to be new matter because originally filed specification and drawings show protrusion 231 as protruding from securing member 230 but not supporting the convex portion as claimed.” *See Office Action* at p. 2. Applicant respectfully traverses this rejection.

Fig. 4 of the present invention illustrates the convex portion 232 and supporting protrusion 231. The present specification discloses that “[t]he securing member 230 also includes a supporting protrusion 231 for supporting the convex portion 232” and “the convexing portion 232 is pressed towards the supporting protrusion 231. However, the convexing portion 232 is pressed only as far as the space between it and the supporting protrusions 231.” *Specification* at p. 6, ¶¶ [0046] and [0049]. Thus, the convex portion 232 is convex towards the supporting protrusion 231 until the convex portion 232 contacts the supporting protrusion to be supported by the supporting protrusion. Accordingly, the supporting protrusion, as claimed, is described in the specification in such a way to reasonably convey to one skilled in the relevant art that the Applicant, at the time the application was filed, has possession of the claimed invention.

For the reasons stated above, Applicant respectfully requests that the Office withdraw the 35 U.S.C. § 112, first paragraph rejection of claim 1.

Claims 1-4 and 6-9 rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,718,982 to *Deaton* (hereinafter “*Deaton*”) in view of U.S. Patent No. 4,817,297 to *Toma et al.* (hereinafter “*Toma*”). Office Action at page 3. The rejection of claim 8 is moot as claim 8 is canceled herein. Applicant respectfully traverses the rejection of the remaining claims and requests reconsideration.

Independent claim 1 is allowable over the cited reference in that claim 1 recites a combination of elements including, for example, “at least one securing member for securing the filter main body to the filter housing; a convex portion formed at the securing member and configured to contact the filter; and a supporting protrusion spaced away from the convex portion, wherein the filter main body is inserted into the filter housing, the convex portion is convex towards the supporting protrusion to be supported by the supporting protrusion.”

The Office purports that *Deaton* discloses “at least one securing member 92 for securing the filter main body to the filter housing.” *Office Action* at p. 3. *Deaton*’s reference number 92 refers to a leaf spring where a “lower portion of the frame 88 is snap-fastened within the pocket by a leaf spring 92.” *Deaton* at col. 3:27-29 and FIG. 2. As shown, the spring 92 is positioned at a backside of the front wall portion 32 and is formed on the exhaust passageway 74. *Deaton*’s leaf spring 92 does not include “at least one securing member for securing the filter main body to the filter housing; a convex portion formed at the securing member and configured to contact the filter; and a supporting protrusion spaced away from the convex portion, wherein the filter main body is inserted into the filter housing, the convex portion is convex towards the supporting protrusion to be supported by the supporting protrusion,” as recited in independent claim 1.

Toma fails to cure the deficiencies of *Deaton*. *Toma* discloses a unitary seal support structure 56. *See Toma* at col. 3:25-26 and Fig. 4. As shown, the unitary seal support includes “a pocket 66 to receive and support a lint filter” where “[a] gill extends across the face of the pocket 66 ... and includes relatively large air passages 72” and “[a] strengthening bar 74 extends across the opposite side of the pocket 66.” *Toma* at col. 3:45-50. Thus, *Toma* merely discloses the coupling relationship between the seal support structure 56 and the panels 48, 18, 14, and 16. *Toma* is entirely silent as to any teaching or suggestion regarding “at least one securing member

for securing the filter main body to the filter housing; a convex portion formed at the securing member and configured to contact the filter; and a supporting protrusion spaced away from the convex portion, wherein the filter main body is inserted into the filter housing, the convex portion is convex towards the supporting protrusion to be supported by the supporting protrusion,” as recited in independent claim 1.

For at least these reasons, Applicant respectfully requests that the Office withdraw the 35 U.S.C. § 103(a) rejection of independent claim 1. Claims 2-4 and 6-9 depend from independent claim 1. It stands to reason that the 35 U.S.C. § 103(a) rejection of those dependent claims should be withdrawn as well.

Claims 10-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,648,381 to Fox (hereinafter “Fox”) in view of Toma. Office Action at page 4. The rejection of claims 10-12 and 14 is moot as claims 10-12 and 14 are canceled herein. Applicant respectfully traverses the rejection of the remaining claims and requests reconsideration.

Claims 13, and 15 now depend from independent claim 1. For the reasons stated above with respect to independent claim 1, it stands to reason that the 35 U.S.C. § 103(a) rejection of those dependent claims should be withdrawn as well. Accordingly, Applicant respectfully requests that the Office withdraw the 35 U.S.C. § 103(a) rejection of claims 13 and 15.

Claims 1-4 and 6-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of copending Application No. 11/938,949. Office Action at p. 4. The rejection of claims 10-12 and 14 is moot as claims 10-12 and 14 are canceled herein. As this is a provisional rejection and both applications are still pending, Applicant will address this rejection upon an indication of allowability.

CONCLUSION

The application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: June 5, 2009

Respectfully submitted,

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